UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

RICHARD FERRY,

               Plaintiff,   6:15-cv-01136-AA

               v.   ORDER

OREGON DEPARTMENT OF
CORRECTIONS, et al.,

               Defendants.

AIKEN, District Judge.

Plaintiff, an inmate in the custody of the Oregon Department of Corrections, filed this action alleging that the defendants' have deprived him of his "fundamental constitutional right of familial association with his son, R.J., in violation of the First and Fourteenths to the United States Constitution."

Plaintiff has moved for a preliminary injunction requiring defendants to "cease and desist the permanent

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suspension of J.R.'s visiting privileges" (at the Oregon State Penitentiary).   Motion for Preliminary Injunction (#17).

The general rules for granting preliminary relief are familiar and need not be discussed in detail. "The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held," and it is generally inappropriate for a federal court at the preliminary injunction stage to give a final judgment on the merits. University of Texas v. Camenisch, 451 U.S. 391, 395 (1981); Tanner Motor Livery, Ltd. V. Avis, Inc, 316 F.2d 804, 808 (9th Cir. 1983).   See also, Regents of University of California v. ABC, Inc., 747 F.2d 511, 514 (9th Cir. 1984) ("* * * the function of a preliminary injunction is to preserve the status quo ad litem.") Wright and Miller, Federal Practice and Procedure § 2947 (1973) ("* * * the most compelling reason in favor of entering a Rule 65(a) order is the need to prevent the judicial process from being rendered futile by defendant's actions or refusal to act").

In this case, the preliminary equitable relief that plaintiff seeks would in essence constitute a judgment on the merits of plaintiff's underlying claim and is therefor inappropriate.

Therefore, plaintiff's Motion for Preliminary Injunction (#17) is **DENIED**.

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IT IS SO ORDERED.

DATED this ___3ᴿᴰ___ day of November, 2015.

Ann Aiken
United States District Judge

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